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10 *d/b/a Riviera Hotel & Casino and Paragon Riviera*
11 *LLC*

12 **UNITED STATES DISTRICT COURT**
13 **FOR THE DISTRICT OF NEVADA**

14 ROBERT JOHNSTON,

15 Plaintiff,

16 vs.

17 RIVIERA OPERATING CORPORATION,
18 d/b/a RIVIERA HOTEL & CASINO, a
Nevada corporation, PARAGON RIVIERA
19 LLC, a Nevada Limited Liability Company,

20 Defendants.

CASE NO.: 2:16-cv-00485-JCM-PAL

21 **STIPULATION AND ORDER FOR**
22 **RIVIERA'S INSURANCE CARRIER TO**
23 **APPEAR TELEPHONICALLY AT THE**
24 **EARLY NEUTRAL EVALUATION**
25 **CONFERENCE**

26 **(First Request)**

27 Defendants, Riviera Operating Corporation d/b/a Riviera Hotel & Casino ("Riviera"), and
28 Paragon Riviera LLC ("Paragon"), (collectively referred to as "Defendants") and Plaintiff Robert
Johnston ("Plaintiff") by and through their respective undersigned counsel, hereby agree that
Riviera's insurance carrier can appear telephonically at the Early Neutral Evaluation ("ENE"),
which is currently set for June 27, 2016 at 9:00 a.m. (ECF No. 13.)

On May 27, 2016 Defendants filed their Request for Exemption that Riviera's insurance
carrier be exempt from attendance at the ENE. (ECF No. 19.) On June 7, 2016, Plaintiff filed an
Opposition (ECF No. 21) indicating that attendance was necessary for Plaintiff to gain specifics

1 regarding coverage. On June 9, 2016, the court denied Defendants' Request with prejudice (ECF
2 No. 22) indicating that it would reconsider Defendants' request for exemption if the parties agree
3 attendance is not required. (*see id.*)

4 On June 9, 2016, the parties met and conferred via e-mail. (*See* Declaration of Dana B.
5 Salmonson at ¶ 5, attached hereto as **Exhibit A.**) Defendants' counsel asked if the insurance
6 carrier could appear telephonically, indicating that Riviera's insurance carrier was in New York
7 and would rather put the cost of travel expenses for personal attendance towards a possible
8 settlement. (*See id.*) Plaintiff's counsel agreed that the insurance carrier could appear
9 telephonically, and the parties agreed to submit this Stipulation as a result. (*See* Exhibit A at ¶ 6.)
10 This stipulation is not brought for the purposes of delay of any other improper purpose.

11 Accordingly, the parties are respectfully requesting that the insurance carrier be allowed to
12 appear telephonically at the June 27, 2016 ENE.

13 Dated this 16th day of June, 2016.

Dated this 16th day of June, 2016.

14 LIZADA LAW FIRM, LTD.

OGLETREE, DEAKINS, NASH, SMOAK
& STEWART, P.C

16 /s/ Angela J. Lizada

/s/ Dana B. Salmonson

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19 *Attorney for Plaintiff Robert Johnston*

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& Casino and Paragon Riviera LLC*

ORDER

24 IT IS SO ORDERED.

25 DATED: 6/16/2016


UNITED STATES MAGISTRATE JUDGE